

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

06 JUL 2005

Applicant's or agent's file reference

5531-2PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/42503

International filing date (day/month/year)

17 December 2004 (17.12.2004)

Priority date (day/month/year)

19 December 2003 (19.12.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): A47G 1/06 and US Cl.: 40/738

Applicant

SCHYMURA, MARGARETE

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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Form PCT/ISA/237 (cover sheet) (January 2004)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/42503

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>3-7 and 10-22</u>	YES
	Claims <u>1, 2, 8 and 9</u>	NO
Inventive step (IS)	Claims <u>3-7 and 10-22</u>	YES
	Claims <u>1, 2, 8 and 9</u>	NO
Industrial applicability (IA)	Claims <u>1-22</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1, 2, 8 and 9 lack novelty under PCT Article 33(2) as being anticipated by Ericsson.

Ericsson discloses a frame having a backing plate 10 having a front surface, a rear surface, and a plurality of parallel grooves 11, 12 in the surfaces, the backing plate being capable of being bent about an axis parallel to the grooves; a pair of tack elements (screws, not shown); and at least one frame element 30.

Claims 3-7 and 10-22 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a frame having a backing plate with a plurality of grooves, and bent at the edges to form frame elements.

Claims 1-22 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claim 21 is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim 21 is indefinite for the following reason(s): It purports to depend from "the method of claim 18," but claim 18 is not a method claim. It appears that claim 21 should depend from claim 20.